SUPREME COURT, U. S.

Supreme Court, U. S.
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IN THE

Supreme Court of the United States

OCTOBER TERM, 1975

Docket No. 75–528

Nonnewaug Regional School District No. 14,
Town of Bethlehem,

Petitioners,

vs.

Joseph M. Scott,

Respondent.

BRIEF IN OPPOSITION TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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Opinion Below

The opinion of the Court of Appeals for the Second Circuit is reported sub nom *Regional School District No 5.* v. *Baker*, 520 F. 2d 799 (1975).

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Question Presented

Does the one-person one-vote rule apply to the election of members of the Board of Education of a regional school district created pursuant to the provisions of the Connecticut General Statutes.

Constitutional Provisions and Statutes

Constitutional Provisions: Fourteenth Amendment.

Statutes: Title 28, United States Code, Sections 1254(1) and Sections 1343(3); Title 42, United States Code, Section 1983; Connecticut General Statutes, Sections 10-46, 10-47, 10-51, 10-56, 10-60, 10-220, 10-221, 10-240, 10-241, 10-241a, 10-242, 10-262.

Rules: Rule 19, Supreme Court Rules.

Statement of the Case

Nonnewaug Regional School District No. 14 was formed on May 20, 1968, by a vote of a majority of the electors of the Towns of Woodbury and Bethlehem, Connecticut. The Nonnewaug Regional School District was organized pursuant to and now operates under the Connecticut General Statutes, pertinent sections of which are set forth in the Appendix to this brief. Among the enumerated powers and duties of a regional Board of Education are the power to purchase, lease or rent property for school purposes; to build, add to or equip the schools; to employ and dismiss teachers; to prescribe rules for the management, studies, classification and discipline of the schools; and to prepare the proposed district budget.

The Board of Education for the Nonnewaug Regional School District is composed of eight members, four each from the Towns of Woodbury and Bethlehem. The population of the Town of Woodbury, according to the 1970 United States Census of Population, was 5,869. Woodbury has an electorate of 3,653 and 1,385 pupil residents. According to the same census, the Town of Bethlehem has a population of 1,923. Bethlehem has 1,298 electors and 492 pupil residents. The pupil figures are as of May, 1973. Thus, the Town of Woodbury has approximately three times the number of citizens, electors and pupil residents as the Town of Bethlehem. Citizens of the Town of Woodbury have also contributed approximately three times

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the amount of revenue to the Nonnewaug Regional School District as have the citizens of the Town of Bethlehem.

Plaintiff, a citizen and taxpayer of the Town of Woodbury, brought suit in the United States District Court for the District of Connecticut for a permanent injunction requiring the reorganization of the Nonnewaug Regional School District to provide equal representation on the Board of Education for all electors of the Towns of Woodbury and Bethlehem. Judge Jon O. Newman granted plaintiff's motion for summary judgment on the grounds that the lack of equal representation on the Board of Education deprived the electors of the Town of Woodbury of equal protection of the law in violation of the Fourteenth Amendment to the United States Constitution.

The defendants appealed the District Court decision, and the decision was affirmed by the United States Court of Appeals for the Second Circuit. The decisions of the District Court and the Court of Appeals are set forth in the Appendix to the petition for writ of certiorari.

ARGUMENT

The One-Person, One-Vote Constitutional Principle is Applicable to the Election of Members of the Board of Education of a Regional School District Created Under the Connecticut General Statutes.

The District Court, per Newman, J, and the unanimous Court of Appeals, per Oakes, J both found that the powers exercised by the petitioner Nonnewaug Regional School District were substantial and governmental and held that *Hadley* v. *Junior College District* 397 U.S. 50 (1970) governed, requiring reapportionment of the Boards of Education in accordance with the "one-person, one-vote" principle of equal protection. Both courts held that the exception to "one-person, one-vote" in *Salyer Land Co.* v. *Lake Basin Water Storage District* 410 U.S. 719 (1973) was inapplicable based on a careful weighing of the governmental functions involved in each case.

Petitioner argues that because many of the duties of its Board are "administrative" and the Board lacks some "general governmental" powers, *Hadley* is inapplicable. Petitioner is wrong. The Junior College District in *Hadley* performed very similar administrative duties, as does any governmental unit. And any unit of local government will have severely circumscribed governmental powers. "One-person, one-vote" is required as a matter of equal protection of the law because of the powers the elected officials do exercise, not those they lack, *Avery* v. *Midland County* 390 U.S. 474 (1968). Here the Regional Board of Education has sole power to develop, propose, allocate and reallocate the schools financing including bonding and budget, Conn. Gen. Stats. Sections 10-51, 10-51a, 10-50a, 10-56(c) and (d) and 10-60. Set out in the Appendix to this brief. See *Board of Education of Ellington* v. *Town of Ellington* 151 Conn. 1, 193 A2d 466 (1963). Other relevant powers and statutes are set out in the Appendix to respondents brief in *Regional School District* v. *Baker* No. 75-496, the companion to this case. It also has "all the powers and duties conferred upon boards of education by the general statutes . . ." Conn. Gen. Stats. Section 10-47, including:

> Such boards may purchase, lease or rent property for school purposes and as part of the purchase price may assume and agree to pay any bonds or other capital indebtedness issued by a town for any land and buildings so purchased; shall perform all acts required to implement the plan of the committee for the transfer of property from the participating towns to the regional school district and may build, add to or equip schools for the benefit of the towns comprising the district. Such boards may receive gifts of real and personal property for the purposes of the regional school districts. The regional school district annual meeting shall be the district meeting at which the annual budget is first presented for adoption and shall be held the first Monday or the first Tuesday in May. The boards may convene special district meetings when they

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> deem it necessary. District meetings shall be warned and conducted in the same manner as are town meetings. For such purposes, the chairman of the board shall have the duties of the board of selectmen and the secretary shall have duties of the town clerk.

Plainly the Regional School board exercises substantial governmental powers, as the lower courts found.

The petitioner has not attempted to show any legitimate public purpose rationally advanced by the different voting powers involved, and respondents are aware of none. See *Reynolds* v. *Sims* 377 U.S. 533 (1964). Thus petitioners great reliance on *Salyer Land Co.* v. *Tulare Water District, supra.* is entirely misplaced.

The Board is directly elected at a regular election. It plainly exercises governmental as opposed to proprietary functions which are not merely administrative. Compare *Hadley* v. *Junior College District, supra,* with *Sailors* v. *Board of Education of the County of Kent,* 387 U.S. 105 (1967). Thus the one-person, one-vote rules apply and the lower courts correctly so held.

Respondent knows of no conflicting Circuit court authority. The applicable federal law is settled. The petitioner has failed to meet any of the criteria of Rule 19(b) of the Rules of this Court. It raises no more, and arguably less, substantial questions than those in *Regional High School District No. 5.* v. *Baker* No. 75-496 (petition for a writ of certiorari pending) its companion case below. The petition for a writ of certiorari to the Court of Appeals for the Second Circuit should be denied.

Respectfully submitted,

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This is to certify that on the day of November 1975, copies of the foregoing were mailed, postage prepaid to

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APPENDIX

CONNECTICUT GENERAL STATUTES

§ 10-39. Temporary regional school study committee

(a) Two or more towns may establish a regional school district in accordance with the provisions of this part and the regulations promulgated thereunder. The state board of education shall promulgate regulations setting standards to govern the formation of regional district with respect to the minimum and maximum enrolment, the geographical limitations and other such factors which bear on the achievement of more efficient administration of a school district and efficacious education of the pupils therein.

(b) Two or more towns or regional school districts may, by vote of their legislative bodies, join in the establishment of a temporary regional school study committee, hereafter referred to as the committee, to study the advisability of establishing a regional school district, reported to the respective towns in accordance with section 10-43. In performing its duties, such committee may employ an architect to assist in estimating the cost of providing school facilities, an appraiser to establish the value of assets of each participating school district and such other professional consultants or personnel as may be needed, provided the committee shall not incur obligations which exceed the monies received pursuant to section 10-42. The committee shall continue until dissolved pursuant to section 10-43 but no longer than two years from the date of its organization unless the legislative bodies of the participating towns vote to extend the life of the committee for a period not to exceed two years.

(c) Two or more boards of education may conduct a preliminary study of the advisability of establishing a regional school district, and if their findings are affirmative, such boards of education, except as provided below, shall submit a written report to the chief executive officer in each town served by such boards. Within thirty days of the receipt of the report, such officer shall call a meeting of the legislative body of the town which shall consider the report and vote on the question of establishing a temporary regional school study committee pursuant to subsection (b) of this section. In the case of a regional board of education, such board shall call a meeting of the regional school district for such purposes.

(d) A regional school district may participate as a region in any study undertaken pursuant to subsection (b) or (c) of this section, provided such study is for the purpose of establishing a regional school district which may provide for the proposed district all programs under the general supervision and control of the state board of education. In the case of a preliminary study, the regional board of education shall submit the written report to a regional school district meeting called to consider the report and vote on the question of joining in the establishment of a temporary regional school study committee pursuant to subsection (b) of this section. A regional school district may vote to appoint five members to a temporary regional school study committee at a regional school district meeting. Two of such members shall be members of the regional board of education. The towns which are members of such regional school district shall be "participating" towns for the purposes of notice, reports and referenda under sections 10-41 to 10-43, inclusive, and section 10-45. If a new regional school district is established by the referenda, the board of education of the regional school district which participated in the study shall be deemed a town board of education for purposes of section 10-46a.

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(e) Any temporary regional school study committee established before the passage of this act[1] shall continue its study in accordance with the procedures and mandates of this part, but shall not be required to change its membership. The provisions of section 10-42 shall apply.
(1969, P.A. 698, § 1, eff. June 24, 1969.)

§ 10-46. Regional board of education

(a) The affairs of the regional school district shall be administered by a regional board of education, which shall consist of not fewer than five nor more than nine members. Each member town shall elect at least one member. The committee report shall determine the number of members of such regional board and the representation of each town. The first members of such regional board of education shall be nominated and elected at a meeting of the legislative body of each town held within thirty days after the referendum creating the district. The regional board of education at its first meeting, called by the secretary of the state board of education within ten days from the time the last member town to appoint members to the regional board has done so, shall organize and the members shall serve until their successors are elected and qualify. At such meeting, the board shall determine the term of office of each member according to the following principles: (1) The term of office of each successor shall be four years; (2) to establish a continuity of membership, a system of rotation shall be used; if the board has an even number of members, one-half of such number shall be elected every two years and if the board has an uneven number of members, no more than a bare majority or a bare minority shall be elected every two years, except when the unexpired portion of the term of a vacated office must be filled; (3) the same system of rotation shall be used for election of the representatives of each member town, if possible; (4) if necessary, it shall be determined by lot which of the initial members shall serve the short terms; (5) at the first election of members in accordance with subsection (b) or (c) of this section, no more than half the offices held by initial board members shall be filled; (6) the offices held by the remaining initial board members shall be filled at the second election held in accordance with subsection (b) or (c) of this section. Thereafter, members of the board shall be nominated and elected in their respective towns in accordance with subsection (b) or (c) of this section as determined by the legislative body of each town.

(b) At least thirty days before the expiration of the term of office of any board member, a town meeting shall be held in accordance with chapter 90 to nominate and elect a successor. Any person who is an elector of such town may vote at such meeting. If a vacancy occurs in the office of any member of the regional board of education, the town affected, at a town meeting called within thirty days from the beginning of such vacancy, shall nominate and elect a successor to serve for the unexpired portion of the term in accordance with the above procedure.

(c) Board members shall be nominated and elected in the same manner as town officers in accordance with the provisions of title 9 except that (1) section 9-167a and parts II and III of chapter 146 shall not apply and (2) the board members so elected shall take office the first day of the month following the elections. If a vacancy occurs in the office of any member of the regional board of education, the legislative body of the town affected shall elect a successor to serve until the next general election, at which time a successor shall be elected to serve any unexpired portion of such term.

(d) All members of a regional board of education shall take office on the first day of the month following their election. Such board shall hold an organizational

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meeting in the month following the last election of members thereof held in the member towns in any calendar year at which time the board shall elect by ballot from its membership a chairman, a secretary, a treasurer and any other officer deemed necessary and may annually thereafter elect such officers. In the case of a tie vote in the balloting for any officer, such tie shall be broken by lot. The treasurer shall give bond to the regional board of education in an amount determined by the members thereof. The cost of such bond shall be borne by the district.
(1967 P.A. 333 § 1, eff. June 8, 1967; 1969, P.A. 698, § 8, eff. June 24, 1969; 1971, P.A. 679, § 1, eff. July 6, 1971.)

§ 10-47 Powers of regional board

Regional boards of education shall have all the powers and duties conferred upon boards of education by the general statutes not inconsistent with the provisions of this part. Such boards may purchase, lease or rent property for school purposes and, as part of the purchase price may assume and agree to pay any bonds or other capital indebtedness issued by a town for any land and buildings so purchased; shall perform all acts required to implement the plan of the committee for the transfer of property from the participating towns to the regional school district and may build, add to or equip schools for the benefit of the towns comprising the district. Such boards may receive gifts of real and personal property for the purposes of the regional school districts. The regional school district annual meeting shall be the district meeting at which the annual budget is first presented for adoption and shall be held the first Monday or the first Tuesday in May. The boards may convene special district meetings when they deem it necessary. District meetings shall be warned and conducted in the same manner as are town meetings. For such purposes, the chairman of the board shall have the duties of the board of selectmen and the secretary shall have the duties of the town clerk.
(1967, P.A. 113, § 1, eff. May 23, 1967; 1969, P.A. 698, § 10, eff. June 24, 1969; 1973, P.A. 73-539.)

§ 10-51. Fiscal year. Budget. Payments by member towns. Investment of funds. Temporary borrowing

(a) The fiscal year of a regional school district shall be July first to June thirtieth. Except as otherwise provided in this subsection, not less than two weeks before the annual meeting held pursuant to section 10-47, the board shall hold a public district meeting to present a proposed budget for the next fiscal year. Any person may recommend the inclusion or deletion of expenditures at such time. After the public hearing, the board shall prepare an annual budget for the next fiscal year, make available on request copies thereof and deliver a reasonable number to the town clerk of each of the towns in the district at least five days before the annual meeting. At the annual meeting on the first Monday in May, the board shall present a budget which includes a statement of (1) estimated receipts and expenditures for the next fiscal year, (2) estimated receipts and expenditures for the current fiscal year, (3) estimated surplus or deficit in operating funds at the end of the current fiscal year, (4) bonded or other debt, (5) estimated per pupil expenditure for the current and for the next fiscal year and (6) such other information as is necessary in the opinion of the board. Persons present and eligible to vote under section 7-6 may accept or reject the proposed budget except as provided below. No person who is eligible to vote in more than one town in the regional school district is eligible to cast more than one vote on any issue considered at a regional school district meeting or referendum held pursuant to this section. Any person who violates this section by fraudulently casting

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more than one vote or ballot per issue shall be fined not less than three hundred dollars nor more than five hundred dollars and shall be imprisoned not less than one year nor more than two years and shall be disenfranchised. If the regional school district is comprised of four or more towns, the regional board of education may, in the call to the meeting, designate that the vote on the motion to adopt the budget shall be by paper ballots or by a "yes" or "no" vote on the voting machines in each of the member towns on the day following the district meeting. Two hundred or more persons qualified to vote in any regional district meeting called to adopt a budget may petition the regional board, in writing, at least three days prior to such meeting, requesting that any item or items on the call of such meeting, be submitted to the persons qualified to vote in the meeting for a vote by paper ballot or on the voting machines in each of the member towns on the day following the district meeting and in accordance with the appropriate procedures provided in section 7-7. If a majority of such persons voting reject the budget, the board shall, within two weeks thereafter and upon notice of not less than one week, call a district meeting to consider the same or an amended budget. Such meetings shall be convened at such intervals until a budget is approved. After the budget is approved, the board shall estimate the share of the net expenses to be paid by each member town in accordance with subsection (b) of this section and notify the treasurer thereof. With respect to adoption of a budget for the period from the organization of the board to the beginning of the first full fiscal year, the board may use the above procedure at any time within such period. If the board needs to submit a supplementary budget, the general procedure specified in this section shall be used.

(b) For the purposes of this section, "net expenses" means estimated expenditures less estimated receipts as presented in a regional school district budget. On the date or dates fixed by the board, each town in the district shall pay a share of the cost of capital outlay and current expenditures necessary for the operation of the district. The board shall determine the amount to be paid by each member town. Such amount shall bear the same ratio to the net expenses of the district as the number of pupils resident in such town in average daily membership in the regional school district during the preceding school year bears to the total number of such pupils in all the member towns. Until the regional school district has been in operation for one year, such amounts shall be based on the average daily membership of pupils in like grade from each of such towns at any school at which children were in attendance at the expense of such towns during the preceding school year.

(c) The board shall deposit or invest temporarily any funds which are not needed immediately for the operation of the school district in any manner permitted school districts or municipalities in chapter 112. Any income derived from such deposits or investments shall be used at least semiannually to reduce the net expenses. The board shall use any budget appropriation which has not been expended by the end of the fiscal year to reduce the net expenses of the district for the following fiscal year. The board may borrow funds temporarily in anticipation of payments to be made to it by a member town or the state, for the operation of its schools.
(1969, P.A. 698, § 13, eff. June 24, 1969; 1971, P.A. 679, §§ 3, 4, eff. July 6, 1971.)

§ 10-53. Application of education statutes

All provisions of the general statutes relating to public education, including those providing state grants-in-aid, shall apply to each town belonging to a regional school district, provided, if the board of education of any regional school district provides

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transportation to a regional school, such district shall be reimbursed by the state as provided in section 10-54. Any regional school district empowered to provide to the member towns all programs under the general supervision and control of the state board of education shall receive each year in addition to the amount of state aid under section 10-262 ten per cent of said amount.
(1967, P.A. 473, § 1, eff. July 1, 1968; 1969, P.A. 698, § 14, eff. June 24, 1969.)

§ 10-56. Corporate powers. Bonds issues

(a) A regional school district shall be a body politic and corporate with power to sue and be sued; to purchase, receive, hold and convey real and personal property for school purposes; and to build, equip, purchase, rent, maintain or expand schools. Such district may issue bonds in the name and upon the full faith and credit of such district and the member towns to acquire land, prepare sites, purchase or erect buildings and equip the same for school purposes, if so authorized by referendum. Such referendum shall be conducted in accordance with the procedure provided in section 10-47c except that any person entitled to vote under section 7-6 may vote and the question shall be determined by the majority of those persons voting in the regional school district as a whole. A regional board of education may expend any premium in connection with such issue, interest on the preceeds of such issue or unused portion of such issue to add to the land or buildings erected or purchased and for the purchasing and installing of equipment for the same. Such bonds shall be denominated "Bonds of regional school district number . . .of the State of Connecticut." Such bonds shall be serial bonds, with coupons attached, and registerable as to principal and interest or as to principal alone, shall be signed by the chairman and the treasurer of the regional board of education and shall bear such rate of interest, mature in such substantially equal instalments and be issued in such denominations and at such times and places as shall be determined by such board. The first instalment of any series of bonds shall mature not later than two years from the date of the issue of such series and the last instalment of such series shall mature not later than twenty years therefrom. Such bonds, when executed, issued and delivered, shall be general obligations of such district and the member towns, according to their terms. Any regional school district which has issued any bonds or other obligations pursuant to any general statute or special act may redeem them by issuing new bonds or other obligations.

(b) "Annual receipts from taxation" means the receipts from taxation of the member towns for the fiscal year next preceding the close of the last fiscal year of such regional school district. Notwithstanding the provisions of section 7-374, any regional school district may assume bonds or other indebtedness on any member town as part of the purchase price of any property for school purposes or issue bonds or notes, provided the aggregate indebtedness of such district shall not exceed: (1) In the case of a regional school district serving the same towns as are served by two or more town school districts, two and one-quarter times the annual receipts from taxation or (2) in the case of a regional school district empowered to provide for the member towns all programs under the general supervision and control of the state board of education, four and one-half times such annual receipts from taxation. Any regional school district may issue additional bonds or notes in an amount not to exceed three and one-half times such annual receipts from taxation less the aggregate indebtedness as defined in section 7-374 for the member towns of such district.

(c) When a district has been authorized to issue general obligation bonds as provided by this section, the board may authorize, for a period not to exceed four years, the issue of temporary notes in anticipation of the receipt of the proceeds from the sale of such bonds. Notes issued for a shorter period of time may be renewed by the issue of other notes, provided the period from the date of the original notes to the maturity of the last notes issued in renewal thereof shall not exceed four years. The term of such notes shall not be included in computing the time within which such bonds shall mature. The provisions of section 7-373 shall be deemed to apply to such notes. The board shall determine the date, maturity, interest rate, form, manner of sale and other terms of such notes which shall be general obligations of the regional school district and member towns. Such notes may bear interest or be sold at a discount. The interest or discount on such notes and any renewals thereof and the expense of preparing, issuing and marketing them may be included as a part of the cost of the project for the financing of which such bonds were authorized. Upon the sale of such bonds, the board shall apply immediately the proceeds thereof, to the extent required, to the payment of the principal and interest of all notes issued in anticipation thereof or deposit the proceeds in trust for such purpose with a bank or trust company, which may be the bank or trust company, if any, at which such notes are payable.

(d) Subject to the provisions of subsection (c) of this section, the board may deposit or invest the proceeds of bonds or of notes issued in anticipation thereof in the same manner and to the same extent as permitted school districts or municipalities in chapter 112.
(1967, P.A. 626, § 2, eff. June 21, 1967; 1967, P.A. 674, eff. Oct 1, 1967; 1969, P.A. 132, § 2, eff. May 14, 1969; 1969, P.A. 698, § 16, eff. June 24, 1969.)

§ 10-60. Borrowing in addition to bonds

In addition to the power to issue bonds as provided by section 10-56, such regional board of education may, when so authorized by a majority vote at a regional school district meeting called for such purpose, borrow sums of money in an amount which shall not exceed in the aggregate two hundred thousand dollars for a period not to exceed five years and pay interest thereon for acquiring lands, securing the services of architects and professional consultants, the operation and maintenance of regional schools, the installation of equipment therein and contingent or other necessary expenses connected therewith. Persons eligible to vote under the provision of section 7-6 may vote on such issue. Such loans shall be in the name of and shall be general obligations of such district and the member towns. The chairman and treasurer of the board shall sign the note evidencing any such loan.
(1969. P.A. 290, § 1, eff. May 28, 1969; 1969, P.A. 698, § 17, eff. June 24, 1969.)

§ 10-63a. Vote for withdrawal of town or dissolution of district

(a) Any town which is a member of a regional school district may, pursuant to a vote of its legislative body, apply to the regional board of education to institute procedure for withdrawal from the district or, in the case of a district composed of two towns, dissolution of the district as hereinafter provided.

(b) Any two or more towns which are members of a regional school district composed of three or more towns may, pursuant to a vote of the legislative bodies of the respective towns, apply to the regional board of education to institute procedure for the dissolution of the district as hereinafter provided.
(1969, P.A. 698, § 18, eff. June 24, 1969.)

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§ 10-63b. Committee to determine conditions of withdrawal or dissolution

Within thirty days of receipt of an application pursuant to section 10-63a, the regional board of education shall call for the appointment of a committee to determine whether and under what conditions such withdrawal or dissolution shall take place. The committee shall consist of the following: One member of the board of education of each town within the district, to be selected by each such board, if any, or if none, an elector to be elected by the legislative body in such town; one member of the board of finance or comparable fiscal body of each town within the district to be selected by each such board or body; two members of the regional board of education, to be selected by such board, no more than one of whom may be a resident of a town making the application for the appointment of the committee; one member to be appointed by the state board of education, who shall not be a resident of any town within the district; the state treasurer or his designee, and one member to be appointed by the regional board of education, who shall be an expert in municipal bonding and financing and who shall not be a resident of any town within the district. The members shall receive no compensation for their services, but their expenses and those incurred by the regional board in connection with withdrawal or dissolution procedures shall be paid by the towns applying for withdrawal or dissolution. The appointee of the state board of education shall call the first meeting of the committee, and the committee shall organize and function in accordance with section 10-41.
(1969, P.A. 698, § 19, eff. June 24, 1969.)

§ 10-63c. Report of committee

Within one year after its appointment, the committee shall prepare a written report of its recommendation concerning the advisability of a withdrawal or dissolution. If the committee recommends a withdrawal or dissolution, the report shall include: (1) A determination of the value of the net assets of the regional district, (2) an apportionment of the net assets to each member town on the basis of the ratio which the total average daily membership of such town since its membership in the regional district bears to the total average daily membership reported to the state board of education by the regional board of education up to and including the last such report, (3) a plan for settlement of any obligations and the transfer of property from the regional school district to the member town school districts, (4) a timetable for the orderly withdrawal or dissolution of the regional district and establishment of town boards of education if none exist, (5) the question to be determined by the referenda and (6) such other matters as the committee deems necessary. The provisions of sections 10-43 and 10-45, except as provided below, shall apply to the procedures for submission of the plan to the state board of education, action by such board, presentation of such plan to the member towns, action by such towns and the dissolution of the committee. The establishment of any new town board of education shall be in accordance with chapter 146. Upon an affirmative vote in each member town, the regional board of education and member towns shall cooperatively implement the plan for dissolution or withdrawal of a member town.
(1969, P.A. 698, § 20, eff. June 24, 1969.)

§ 10-184. Duties of parents

All parents and those who have the care of children shall bring them up in some lawful and honest employment and instruct them or cause them to be instructed in reading, writing, spelling, English grammar, geography, arithmetic and United States

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history and in citizenship, including a study of the town, state and federal governments. Each parent or other person having control of a child over seven and under sixteen years of age shall cause such child to attend a public day school regularly during the hours and terms the public school in the district wherein such child resides is in session, or while the school is in session in which provision for the instruction of such child is made according to law, unless the parent or person having control of such child is able to show that the child is elsewhere receiving equivalent instruction in the studies taught in the public schools. Children over fourteen years of age shall not be subject to the requirements of this section while lawfully employed at labor at home or elsewhere; but this provision shall not permit such children to be irregular in attendance at school while they are enrolled as pupils nor exempt any child who is enrolled as a member of a school from any rule concerning irregularity of attendance enacted by the board of education having control of the school.
(1949 Rev., § 1445; 1959, P.A. 198, § 1.)

§ 10-220. Duties of boards of education

Boards of education shall maintain in their several towns good public elementary and secondary schools, implement the educational interest of the state as defined in section 10-4a, and provide such other educational activities as in their judgment will best serve the interests of the town; provided any board of education may secure such opportunities in another town in accordance with provisions of the general statutes and shall give all the children of the town as nearly equal advantages as may be practicable; shall have charge of the schools of their respective towns; shall make a continuing study of the need for school facilities and of a long-term school building program and from time to time make recommendations based on such study to the town; shall have the care, maintenance and operation of buildings, lands, apparatus and other property used for school purposes; shall determine the number, age and qualifications of the pupils to be admitted into each school; shall employ and dismiss the teachers of the schools of such towns subject to the provisions of sections 10-151 and 10-158a; shall designate the schools which shall be attended by the various children within their several towns; shall make such provisions as will enable each child of school age, residing in the town, who is of suitable mental and physical condition, to attend some public day school for the period required by law and provide for the transportation of children wherever transportation is reasonable and desirable, and for such purpose may make contracts covering periods of not more than five years; may arrange with the board of education of an adjacent town for the instruction therein of such children as can attend school in such adjacent town more conveniently; shall cause each child between the ages of seven and sixteen living in the town to attend school in accordance with the provisions of section 10-184, and shall perform all acts required of them by the town or necessary to carry into effect the powers and duties imposed upon them by law.
(1969, P.A. 690, § 4, eff. July 1, 1969.)

§ 10-221. Boards of education to prescribe rules

Boards of education shall prescribe rules for the management, studies, classification and discipline of the public schools and, subject to the control of the state board of education, the textbooks to be used; shall make rules for the arrangement, use and safe-keeping, within their respective jurisdictions, of the school libraries and approve the books selected therefor, and shall approve plans for schoolhouses and superintend any high or graded school in the manner specified in this title.
(1949 Rev., § 1479.)

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§ 10-240. Control of schools

Each town shall maintain the control of all the public schools within its limits and for this purpose shall be a school district and shall have all the powers and duties of school districts, except so far as such powers and duties are inconsistent with the provisions of this chapter.
(1949 Rev., § 1497.)

§ 10-241. Powers of school districts

Each school district shall be a body corporate and shall have power to sue and be sued; to purchase, receive, hold and convey real and personal property for school purposes; to build, equip, purchase and rent schoolhouses and make major repairs thereto and to supply them with fuel, furniture and other appendages and accommodations; to establish and maintain schools of different grades; to establish and maintain a school library; to lay taxes and to borrow money for the purposes herein set forth; to make agreements and regulations for the establishing and conducting of schools not inconsistent with the regulations of the town having jurisdiction of the schools in such district; and to employ teachers, in accordance with the provisions of section 10-151, and pay their salaries. When such board appoints a superintendent, such superintendent may, with the approval of such board, employ the teachers.
(1949 Rev., §§ 1498, 1507; 1953, Supp. § 955d.)

§ 10-241a. Taking of site by eminent domain

Any town or regional school district may take, by eminent domain, land which has been fixed upon as a site, or addition to a site, of a public school house, and which is necessary for such purpose or for outbuildings or convenient accommodations for its schools, upon paying to the owner just compensation, provided such taking is with the approval of the legislative body of the town, and in the case of regional school districts, subject to the provisions of section 10-49, and in each case in accordance with the provisions of sections 8-129 to 8-133, inclusive. The board, committee or public officer empowered to acquire school sites in such school district shall perform all duties and have all rights prescribed for the redevelopment agency in said sections with respect to such taking. No school district, city or town shall take for school purposes the land of any ecclesiastical society, upon any part of which a church building has already been erected, without the consent of such ecclesiastical society, or any land devoted to or used for cemetery or burial purposes.
(1967, P.A. 720, § 1, eff. July 1, 1967.)

Law Review Commentaries
Condemnation. Abraham D. Slavitt. (March 1969) 43 Conn. Bar J. 89.

Library references
Eminent Domain ⇐ 40.
C.J.S. Eminent Domain § 62.

§ 10-242. Meetings

The annual town meeting shall be the annual school district meeting and special meetings shall be called and held in the same manner as provided by law for special town meetings.
(1949 Rev., §§ 1499, 1539.)

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§ 10-262. Amounts payable to towns

During each school year each town or school district maintaining schools according to law during the preceding school year shall be paid by the comptroller, upon the certification of the secretary of the state board of education, two hundred fifteen dollars per pupil in average daily membership.
(1967, P.A. 580, § 1, eff. July 1, 1967; 1969, P.A. 604, § 1, eff. July 1, 1969; 1971, June Sp.Sess., Sp.Act 1, § 13, eff. July 1, 1971; 1972, Sp.Act 53, § 11, eff. July 1, 1972.)

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